

HOUSE BILL 3594

By Lundberg

AN ACT to amend Tennessee Code Annotated, Title 5,
Chapter 1, relative to proceedings in general
sessions court.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 5-1-123, is amended by designating
the current language as subsection (a) and by adding the following as a new subsection (b):

(b)

(1) When any person violates a regulation or resolution of a county, the
sheriff, any deputy, peace officer of the county, or any employee or elected
official of the county government authorized to enforce the regulation or
resolution, in whose presence the violation is committed or who determines after
investigation that there is probable cause that a violation has been committed,
may issue a citation or civil warrant, giving a copy to the violator, showing the
regulation or resolution violated, and the date, time and place when the violator is
to appear in general sessions court.

(2)

(A) Each citation or civil warrant issued under this subsection (b)
shall have printed on it, in large, conspicuous block letters, the following:
NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE
ASSIGNED BY THIS CITATION/WARRANT CAN RESULT IN: THE
COURT ORDERING YOU TO PAY A CIVIL FINE/PENALTY,
COURT COSTS AND LITIGATION TAXES TO THE
METROPOLITAN GOVERNMENT; THE ISSUANCE OF AN

EXECUTION AND GARNISHMENT TO COLLECT THE FINE/PENALTY, COSTS AND TAXES; AND THE ISSUANCE OF A BENCH WARRANT FOR YOUR ARREST FOR CONTEMPT OF COURT, WITH A PENALTY OF UP TO FIVE (5) DAYS IN JAIL AND/OR A FINE OF UP TO TEN DOLLARS (\$10.00).

(B) A citation or civil warrant issued under this subsection (b) may contain any additional information the county deems appropriate.

(C) If the sheriff, any deputy, peace officer of the county, or any employee or elected official of the county government authorized to enforce the regulation or resolution is unable to serve the citation or civil warrant issued pursuant to this subsection (b) at the time the regulation or resolution is violated, the citation or civil warrant may be served by the sheriff, any deputy, peace officer of the county, or person charged with the duty to serve civil or criminal process and who is at least eighteen (18) years of age. Service may be made by delivering a copy of the citation or civil warrant to the violator personally or, if the violator evades service, by leaving a copy of the citation or warrant at the violator's dwelling house or usual place of abode, with some person of suitable age and discretion then residing in the dwelling house or abode, whose name shall appear on the proof of service.

(D) A citation issued or served under this subsection (b) shall be signed by the person so issuing or serving, and shall be returned to the clerk of the general sessions court to be treated in the same manner as a summons issued in accordance with rule 4 of the Tennessee Rules of Civil Procedure.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.